



Southeast Fishery Bulletin

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FOR IMMEDIATE RELEASE:

April 1, 2005
NR05-020

MORATORIUM CHARTER VESSEL/ HEADBOAT PERMIT APPLICATION REOPENED UNDER AN EMERGENCY RULE

On April 1, 2005, the National Marine Fisheries Service (NOAA Fisheries) published an emergency rule to reopen the application process for obtaining Gulf charter vessel/ headboat permits under moratorium. Permit owners who received their Gulf charter vessel/headboat permit under the moratorium, or a letter of eligibility for such a permit, need not reapply. This reopening is extended to historical participants in the fishery who, for whatever reason, failed to apply during the moratorium application period.

Eligibility under this emergency rule

Eligibility for charter vessel/headboat permits under this reopening is limited to applicants who: (1) meet one of the three original moratorium permit eligibility criteria; (2) were not issued an original charter vessel/headboat permit or letter of eligibility under the moratorium for which they were eligible; and (3) can demonstrate economic harm as a result of failure to obtain an original charter vessel/headboat permit under the moratorium.

Original moratorium permit eligibility criteria

The three original moratorium permit eligibility criteria include qualification provisions based on 1) permit history, 2) historical captaincy, or 3) vessel under construction.

To meet the original moratorium eligibility criteria based on permit history the vessel owner must have held a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish between March 29, 2000 and March 29, 2001, or have submitted an application for such a permit to NMFS by March 29, 2001.

To meet the original moratorium eligibility criteria based on Historical Captaincy the applicant must provide NMFS with documentation verifying that:

- a. prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license;
- b. he/she operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and/or coastal migratory pelagic fisheries but does not have a fishery permit issued in his/her name; and

- c. at least 25% of his/her earned income was derived from charter vessel or headboat fishing in one of the following years: 1997, 1998, 1999, or 2000

To meet the original moratorium eligibility criteria based on a vessel under construction the applicant must provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or headboat under construction and that the associated expenditures were at least \$5,000 as of March 29, 2001. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

Economic Harm

Economic harm, for the purposes of this emergency rule, is based on the concept that a person suffered an actual realized loss as a result of the inability to operate in these fisheries after the moratorium in the same manner as he/she did prior to the moratorium.

For Gulf of Mexico reef fish charter vessel/headboat moratorium permits, proof of economic harm is the issuance of an open access charter vessel/headboat permit for Gulf reef fish during the period of March 29, 2000 through November 12, 2003 (the day before moratorium permits were required for the fishery).

For Gulf of Mexico coastal migratory pelagic fish charter vessel/headboat moratorium permits, proof of economic harm is the issuance of an open access charter vessel/headboat permit for coastal migratory pelagic fish during the period of March 29, 2000 through November 12, 2003 (the day moratorium permits were required by the fishery) AND verification that the applicant operated in the fishery within the Gulf of Mexico. Documentation verifying where the vessel operated may include the following:

- a. A documented homeport in the Gulf of Mexico for the permitted vessel during the period March 29, 2000 through November 12, 2003; (Note: An applicant who believes

he/she meets the economic harm criteria based on ownership of a vessel under a different name, for example, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership.)

- b. Appropriately dated logbooks, passenger manifests, or fuel receipts for the permitted vessel that clearly indicate a location within the Gulf; or
- c. Appropriately dated receipts for dock rental for the permitted vessel from a Gulf-based marina.

How to Apply

The following text outlines the application process; for complete details regarding permits and applications, please contact the Permits Office at the address and telephone number above.

Applications for this reopening are titled "Federal Charter/Headboat Permit Emergency Rule Application for Vessels Fishing in the Exclusive Economic Zone (EEZ)" and are available upon request from the Permits Office, or online at <http://sero.nmfs.noaa.gov/sf/permits.htm>.

Completed applications and all applicable supporting documentation must be received by the Permits Office by August 1, 2005.

NMFS is dedicated to protecting and preserving the nation's living marine resources and their habitats through scientific research, management, and enforcement. NMFS provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public. NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources.

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